Journal A. No 7

[illegible]

Vell
103
v.3

9

You have heard much concerning the Forms of Process and Proceedings and Pleadings. Much has been written in Praise: Much has been written in Ridicule of this Part of Law-Learning. It has certainly been abused. In some Hands, it certainly has become, and daily does become ridiculous: And what is there that has been exempted from a similar Fate? Religion herself, elegant and simple as she is, yet, when dressed in the ~~awkward~~ tawdry, or tattered Robes, ~~sometimes~~ put upon her by the false Taste of her injudicious Friends, sometimes assumes a ridiculous Appearance.

Law has experienced the same Treatment with her elder Sister. But Though the Learning with Regard to Pleas and Pleading has been abused; it may certainly be employed for the most excellent Purposes.

When properly directed and properly used, the Study of good Pleading is, indeed, in the Language of Littleton, one of the most honourable, a most

laudable

laudable and most profitable Thing in ~~the~~ our Laws of England. Let me also adduce in ~~their~~ its Favour the weighty Testimony of Earl Mansfield. The substantial Rules of Pleading, says this very able Judge are founded in strong Sense, and in the soundest and closest Logic, and so appear when well understood and explained: Though, by being misunderstood and misapplied, they are too often made Use of as the Instruments of Chicane.

Permit me to add, that some of the Forms of Writs and Pleas, particularly those that are most ancient are Models of correct Composition, as well as of just Sentiment.

The

‡ A Profert is confined to Deeds. 4. Bac. 109. Would it not b
useful to extend it to commercial Instruments? Wh
Deft's Deed is in Plff's Hands the Court will grant Impa
-lance till he produce it. Str. 1186.

+ Of ancient Time, if the Deed appeared to be rased or int
in Places material, the Judges, on their View, adjudged th
to be void: But of latter Times the Judges have left to
Jurors to try whether the Razure were before the D
Ins. 225 b.

Profert — "And he brings here into Court the Writing obligatory aforesaid; which testifies the Debt aforesaid, in Form aforesaid; the Date whereof is the Day and Year before mentioned.

Oyer — "Injury when &c. and craves Oyer of the said
l. Ap. 22. Writing obligatory, and it is read unto him: (in the Form aforesaid) He likewise craves Oyer of the Condition of the said Writing, and it is read unto him in these Words. &c

l. 229. Upon Oyer the whole is entered *verbatim* on the Record.

ac. 109. 113. Though the Word imports only that the adverse Party is to hear the Deed read; yet, as his own Charge he is entitled to a Copy of it, before he can be obliged to answer to it.

#

Bac. 109. The Reasons why a Profert is made are 1. That the Court may, on Inspection, judge concerning their Sufficiency, their Nature, and their Credibility. 2. That the adverse Party may have a Copy of them

Amission

The History of a Suit at Law, from its Commencement, through all the different ~~Periods~~ Steps of its Progreſs, to its Conclusion, presents an Object very interesting to a Mind sensible to the Beauty of strict and accurate Arrangement. The Dispositions of the *Drama* are not made with more Exactneſs and Art. Every Thing is done by the proper *Persons*, at the proper *Times*, in the proper *Places*, in the proper *Order*, and in the proper Form. This will appear particularly afterwards: At present, we speak only of the first Exhibition of the Instrument, on which a Suit is brought.

Omission of a Profert is Matter of Substance, and ill upon a *general* Demurrer L. R. 692. 762.

If it is in Possession of the adverse Party, who will not produce it, the Want of a Profert will be excused. Gilb. 94.

Notwithstanding a Casualty by *Fire*, a Profert is indispensable; for the Law will rather suffer a Mischief in a *Private* Case; than that an Inconvenience should be brought upon the Public. 10. Co. 93.

Even where the Def. had the original Lease, the Court would not dispense with Oyer. Str. 1186.

If a Bond be lost or destroyed, without any Fault in the Obligor or any blameable Negligence in the Obligee; can an Action be supported on it on Proof of the Contents: In other Words, are a *Profert* and *Oyer*, in this Case, indispensable?

+ Offence secret – Escape – grand Jury. – strict Rules of Evid. Confs. ff

January 1st 1791

Mr. Clymer reads the Bill.

Mr Hopkinson - Cont.

1. Useless. 2. improper, unfair — Already there are Advantages enough.

Jury have nothing to do with Questions of Law — Every Testimony is their Guide.

The Judges are his legal Counsel.

At. Gen. not interested nor his Duty to convict — Protector and Friend of the Citizens — represents the Comm — and consequently the Citizens.

Improper Use of the pardoning Power.

Counsel sometimes admitted in the Areopagus, though und
Restrictions

Mr Read. Pro

1. from Reason – Distinctions of Evid. known only to professional Characters –

Judges have not Means of professional Discrimination.

Judge and *Counsel*! He knows not the *Enemy* from the *Friend* of the Pris.

In *inferior* Cases – why not in *superior* ones?

In G. B. 167 Capital Crimes

A severe Code must be consistent with [illegible] Forest Laws.

The Privilege of ~~Conquest~~ Counsel lost soon after the Conquest.
It was again introduced, along with the Assize, by H. 2.
Clemency of the Saxon Institutions

By the Mirror it appears that Counsel were allowed.

Lost again, probably during the War between the two Roses.

7. W. 3. passed with great Opposition.

Equality the Basis now of Government.

Winton.

Mr H. Clymer. Cont.

Sir Edward Coke's Opinion

Even in England a Monarchy there is no Necessity found for Council — why then under a Rep.

Inconveniences already — innumerable if Council were admitted.

Pardon will remedy any Inconvenience of the Want of Council.

Not a single Execution in Penn.a under Mr Dickinson.

Council banished from Plato's Rep.

The Areopagus.

The Eloquence of Demost. roused Athens against the Advice of Phocion.

Cato's Letters — Lycurgus — Cæsar — Jury

Additional Security to Life in Society.

4. Bl. 348

Mr Hopple. Pro.

1. On Authority. 2. Principle.

A. A. 89 Counsel admitted—
established by the Constitutions.

In Athens probably, the Laws were plain and few.

In the Sup. Court, it has been held that no Evid. on the Part of the Pri. can be given to the grand Jury.

Should not Life be more regarded than Property.

If the Evid. be so plain; why should it be enforced by Att. Gen.

Who is to propose the Question of Law.

Hawk. 401. not even private Counsel.

Private Conference between the Judges and Att. Gen. —
Alt. of C. J. under H. 8.

Mr Rodney. Cont.

1. Does the Law become a separate Profession

2. ~~Can~~ Are Lawyers useful or hurtful

3. Are they useful in this case.

Beccaria — Happy is that Country where the law is not a Science

Pot. Antiq. — no Fees taken by Lawyers — nor among the Romans — nor among the Saxons. 3. Bl.

Demosthenes — Cicero — their Pleadings —

Expense and Uncertainty of a Law Suit —

The Characters of the Judges are at Stake to see that Justice be done.

Pot. Antiq. Areopagus.

Lawyers add to the Uncertainty of a Crime being punished

Mc Cordy. Pro.

The *internal* Atchievements of America — new Improvements

At what Period of Society does the law become a Profession?

When Agriculture and Manufactures and Commerce are introduced; the law, like the Soul of Society becomes a separate Profession.

Counsel for the Pros. why not for the Pris.?

In America every Individual is a *Part* of the Sovereignty and ought not to be lightly amputated.

Conclusions of *Law* are drawn *from Testimony* — special Verdicts — *Law* and *Fact* blended in almost all Cases.

Agriculture, Manufactures and Commerce are, in almost every Country, Subjects of great national and political Moment: But they have not been always viewed from the proper Points of Sight. Under some Aspects they have seemed to retard and intercept one another in their Progress; and their Interests have been considered not only as different, but as even hostile. Nothing can be more deceiving, nor more contrary to their true Situation, than such a Prospect of them.

Many who have not viewed them as Enemies, have not, however, viewed them as Friends; and consequently a disproportioned Share of Regard has been shewn to them at different Times and in different Countries. In some Nations, Manufactures and Commerce have been injudiciously sacrificed to Agriculture. In others, a similar Sacrifice has been made to Manufactures; and in others again, to Commerce.

In Europe, for more than a Century past, the commercial System has been the prevailing Favourite

vourite with Statesmen and political Writers. One Extreme naturally produces its Opposite. Attempts have lately been made to retaliate, in Favour of Agriculture the partial Treatment which has been shewn to Commerce in Derogation of agricultural Interests.

To understand the Principles, the Connexion and the reciprocal Influence of Husbandry, Trade and Manufactures must be highly useful in every Scene of public Life: It is highly necessary in many Scenes of private Business. The Subject, well understood, will produce the most desireable Effects. Instead of mutual Jealousy, mutual Confidence between the three great Interests will be the beautiful Result

Your Attention cannot be drawn to a Subject of more practical and general Utility. ~~A Series~~ of Questions concerning it, proposed in a regular Series, and discussed with Minuteness and

Attention

Attention, will unfold it gradually and satisfactorily, and will ~~to~~ prepare the Materials of a Stock of Knowledge, which will be of much Advantage in the Business of Life.

This Series I shall begin with the following Question — Whether the Produce of Land is to be considered as the sole Source of the Wealth and Revenue of a Nation; and whether, supposing it to be so, it would, upon that Supposition, be proper or prudent to impose Restraints upon Manufactures and Trade?

In order to bring ~~That~~ this Question ~~may be brought~~ regularly into View and Discussion, I propose that a Bill be introduced to lay Duties and Excises upon Articles of Importation~~s~~ and Manufacture for the express Purpose of encouraging the Agriculture of the United States.

+ 2. Ins.

Do~~es~~ or ought the Statutes of Limitations to extend
o Suits in Equity?

It may seem strange, that a Right, once acquired, should
ts Force by the mere Efflux of Time. But this is not the
e Consideration, to which Attention should be given. Property
by one, is generally acquired by another; and, in this Case,
Question turns more upon the Propriety of the subsequent
quisition, than upon that of the anterior Loss. Besides, the
operty acquired is frequently improved by the Labour or the
kill of the Possessor; and the Exertions of Labour and Skill
e encouraged by Security in the Possession. Hence Pos-
ssion becomes a peculiar Favourite of the Law.

Peaceable Possession ~~acquiesced and~~ permitted by the former
ner, furnishes, in a long Series of Time, a strong Presumption
Dereliction or of Contract; in either of which Cases, the Pro-
ty becomes rightfully ~~attached to the Possession~~ vested in
im, by whom the Possession has been gained.

For these Reasons, the Law, as my Lord Coke says, doth
er favour Possession as an Argument of Right, and
th incline rather to long Possession without shewing
y Deed; than to an ancient Deed without Possession

With

With Regard to Rights and Things in Action, it i
-tainly the Interest of the Commonwealth that some Per
should be assigned, beyond which Litigation should n
permitted to extend. The Periods assigned should, it is tr
different, according to the different Cases ~~and~~ the differen
-sons, and the different Circumstances, in which they are
-perate.

~~Accordingly~~ numerous Provisions have been made
this Subject by the Laws of most Countries and particula
those of England. The Period limited to a Writ of Right
sixty Years; and ~~shorter Periods on~~ Claims deemed,
the Law to be of inferior Importance are circumscrib
within Periods ~~still~~ shorter Duration. In personal Actions, the Pe
~~that~~ which applies to the greatest Number of Cases is that of six

The principal Intention and Use of Statutes of
-tations is obviously to preserve the public Peace, to prom
by ~~encouragin~~ securing the Advantages of Industry an
in Agriculture, and to prevent innumerable Frauds
even Perjuries, to which the Right of bringing Suits w
any Limitation of Time would furnish Temptation
Opportunity.

The

These Statutes, however have not, by any Mean ~~[illegible]~~d considered in the same Light, or with one un Tenour of Sentiments. At some Times, they have been -ed with an Eye of Approbation; at Others, with an of Jealousy.

One Thing is certain, that no one can with Ho even Honesty, take Advantage of a Statute of Limit to avoid the Payment of a Debt, which he is con that he owes. In Justice, and in Law too, the Debt remains, though the Recovery of it may be frustr by pleading the Operation of the Statute. For this of a Person devise his Lands in Trust to pay his Deb that might otherwise have been barred, as well as tho would not have been barred by the Statute must be That the Debt is not extinguished by the Statute, bu barred by taking Advantage of it in a Plea is evid from this Circumstance, that the Defendant may he chuses waive this Advantage; and then thou it appear on the Record, even by the Plaintiffs ow

Declaration

Declaration, that the Cause of Action commenced so
ago as to leave the Statute full Time to operate,
the Court will proceed to give Judgment in Fav
of the Demand+

Upon the same Principle an Acknowledgm
the Debt; nay an Acknowledgment of it even after
Commencement of the Suit, will take it out of the
cament of the Statute

These Observations shew that the Statutes of Li
tion throw no necessary Obstruction in the Course
But a Question not so easily solved is this, do they
furnish too many and too strong Inducements to
voluntary Obstructions in ~~th~~ her Way? Would m
Injustice be done by protecting, or by withdrawing
tection from these ancient Demands? According to
different Aspects, under which this last Question has
viewed, the Statutes of Limitation have received a f
able or an unfavourable Construction.

We are sometimes told, that the Plea of the Statute
Statute of Limitations is not to be favoured, because

2. R. 838. 936. Str. 21. 837.

2. Wms. 375.

Burr. 1099.

-cides the Merits of the Cause – that the Court will
Leave, on certain Occasions, to add a Plea for the
-therance of Justice; but that to permit this Plea of
-tute of Limitations would not be for the Further
of Justice.+

In the same Spirit we are told that the Statute
Limitations does not extend to a Suit in Equity"
it shall not be extended to Equity beyond the Le
the Law; that it seems to be aimed only against
at Common Law; and should not be enlarg
either to Equity or to Admiralty+ Jurisdictions

On the other Hand, it has been declared
the Court of Chancery that, when the Right of
Plaintiff, and of those, under whom he claimed,
accrued near thirty Years ago, during all whic
Time the Defendant's Possession had been unin
and when the Statute of Limitations was ple
the Lord Chancellor would grant no Relief in
Case of so stale a Demand; and therefore
allow the Plea of the Statute.

2. Wil. 254.

L. R. 935.

L. R. 1204.

Wms. 266

In the same Manner, the Lord Chancellor
decreed, at another Time, that he could not take a
the Benefit of the Statute of Limitations from a
-poration, who are entitled to take Advantage
as well as private Persons are; since their
-nesses may die, or their Vouchers may be lo

Still stronger are the Sentiments and Expr
of Earl Mansfield: Very unequal would the
-terpretation be, which should construe the sa
Words, for the Plaintiff, according to the real
-stantial Truth of the Thing, in Opposition to
Forms; and against the Defendant, according
legal Notions and Forms, contrary to real Tr
More especially, when the Law, from the Na
of it, ought to be taken liberally in Favour
Defendants

The Limitation of Suits is founded
-lic Convenience; and attended with so m

Util

3. Wmr. 310.

Utility, that Courts of Equity adopt this Sta
as a positive Rule, and apply it, by Parity
Reason, to Cases not within it.

One Rule, says the accurate and eleg
Mr Justice Foster, which enters into all Li
of mere Property is evidently founded on p
Utility. I mean that, whereby a Right is ag
or, which, in the Issue of Things, will amou
the same, the Remedy is barred by Possession
-quiescence and Effluxion of Time. The Princip
on which this Rule is founded is plainly th
the public Good must always be preferred to
Interests of Individuals. And the public Goo
-dently requireth that Property should not lie
to perpetual Litigation.

These Remarks shew that this Question is,
both Sides, abundantly fruitful both with Rea
Argument and Authority. Diligent Search in
Law Books will evince this in the strongest Ma

ur. 961.

On a Digest of Laws. { See more on th
-ject in Questions

The Decemviri were appointed to form the Roman
into a regular System, and to incorporate with them s
Laws of other Countries as they should think proper to be
-troduced into the Commonwealth of Rome. That they m
be enabled to accomplish the Design of their Appointme
extensive Powers were delegated to them. They first prepa
Tables of Laws, which were ratified by the ~~Table~~ People[+]. Two
Tables were afterwards added. All together composed the ce
-ed Code of the twelve Tables.

That Code was committed to the Memory of the y
and the Meditation of the old; ~~they to~~ it was transcribed an
-lustrated with learned Diligence: It escaped the Flames of th
it subsisted in the Age of Justinian; and its subsequent Loss
been imperfectly restored by the Labours of modern Critic
is not afraid to affirm, that the [illegible] Composition of the
-vir surpasses in genuine Value the Libraries of Grecian P
-phy.[+]

In the Reign of Hadrian, the Praetorship of Salvius J
an eminent Lawyer, was immortalized by the Composition of
-petual Edict. This well-digested Code was ratified by the
-ror and Senate; the long Divorce of Law and Equity was

: forg

I have extracted from Rollin's and Gibbon's History and from my
ord Bacon's Works what has been done, and what has
een proposed to be done concerning a Digest of the
Roman and English Laws. To these Extracts I have
ubjoined a few Remarks on the Manner in which
a Digest of the Laws of Pennsylvania may, I think, be formed.
~~It shall be happy if they should meet your approbation~~ ~~truly afford me Pleasure~~

ri Centuries. Gib. c. 44.

I shall think myself obliged to
you for your ~~Remarks~~ Opinion, and that ~~those~~
of your Friends upon the rough Sketch which I have
designed. ~~The Outlines I wish to fill on the best Information~~
~~and Advice.~~

ci. leg. 2. 23. de Orat. 1. 43. 44.

length succeeded; and, instead of the twelve Table, the perpe Edict was fixed as the Standard of civil Jurisprudence +

~~The Jurisprudence of Rome was adorned by the in -parable Genius of Cicero, which converts into Gold every that it touches~~

Justinian selected the most learned Civilians of th to labour with their Sovereign in the Reformation of the Roman The Theory of Professors was assisted by the Practice of Advocates, the Experience of Magistrates; and the whole Undertaking animated by the Spirit of Tribonian". He and nine learne -ciates were directed to revise the Ordinances of Justinian Pr -cessors; to purge the Errors and Contradictions, to retrench wh was obsolete or superfluous, and to select the wise and salu Laws best adapted to the Practice of the Tribunals, and th of the People. This Work was accomplished in fourteen M and the twelve Books or Tables, which the new Decemvirs -duced, might be designed to imitate the Labours of their Rom -decessors: The new Code of Justinian was honoured with hi authentic Transcripts were multiplied by the Pens of Notari Scribes; they were transmitted to the Magistrates of the Euro the Asiatic, and the African Provinces: And the Law of the -pire was proclaimed on solemn Festivals at the Doors of t

b. c. 44.

b.

A more arduous Operation was still behind – to

the Spirit of Jurisprudence from the Decisions and Con
the Questions and Disputes of the Roman Civilians.
-teen Lawyers, with Tribonian at their Head, were appoin
by the Emperor to exercise an absolute Jurisdiction
the Works of their Predecessors. If they had obeyed hi
-mands in ten Years, Justinian would have been sa
with their Diligence; and the rapid Composition of
Digest or *Pandects*, in three Years, will deserve Praise
Censure, according to the Merit of the Execution.+

My Lord Bacon made Proposals to James I.
reducing and recompiling the Laws of England.

This Work he proposed to divide into two Par
~~one~~ a Digest of the Common Law; ~~the other~~ and a Digest of
Acts of Parliament

In the first of these, three Things, he though
to be done.

1. The Compiling of a Book concerning
Antiquities of the Law.

2. The Reducing or Perfecting of the Body
Common Law

3. The Composing of certain introduct

e. ble

and auxiliary Books concerning the Study of the La

In reforming and recompiling the Statute Law,

Things, he thought were to be done.

1. To discharge all those Statutes, where the Co

Alteration of Time, is vanished. These may nevertheless

in Libraries for Antiquities.

2. To repeal all Statutes, which are sleeping

not of Use, but yet snaring and in Force.

3. To mitigate the Penalty in many Statute

the Ordinances stand

4. To reduce concurrent Statutes heaped on

another into one clear and uniform Law.

Much good Sense is undoubtedly contained

these Proposals. Perhaps, however, a Method less compl

and equally satisfactory might be adopted

I would suggest it for Consideration whethe

would not be proper 1. that the Substance of the Constitutio

and Statute Laws of Pennsylvania, and the English or British Statutes received t should be reduced

a regular and systematic Form, and become a Cod

Text

2. That the Common Law relating to each

and Title, should be introduced and explained;

thus serve the double Purpose of a Commentary on
Code or Text, and a Digest of the Common
~~drawn up~~ reduced into a regular System

3. That the ~~law~~ Acts of Assembly and English or British Statu
should drawn up in
a regular Body ~~Form~~ of Laws, and should be composed separately, but
the same Order, as the Substance of them in the C
or Text: ~~And that~~ In composing those Laws ~~Acts~~ the
-cautions mentioned by my Lord Bacon, and suc
others as might, upon Trial, be found expedient, s
be observed. A. B

The last mentioned ~~This last~~ Performance, as ~~if~~ approved or altered by the Leg
~~and the Leg~~ should be passed into ~~a Code of~~ Laws.

The Code and the Commentary should have
other Authority than that, arising from ~~to which they would be enti~~
~~by~~ intrinsic Merit.

The Code ~~and~~ Commentary and Draught of the Laws m ~~might~~ be pu
-ed together, and the Code and Draught of the Laws may ~~might~~ also be published together or sep

The foregoing ~~above~~ Plan is suggested with ~~you~~ m
Deference: It is not improbable that many and grea
-rations would be found necessary in the Execution of

original
All the Acts of Assembly in the Office of the Master of the
lls should be examined; those particularly, which have
n repealed in England. The Laws of the other American States
By the
uld be examined and compared: ~~From the~~ Comparing and Examining
h useful Information ~~[illegible]~~ will be gained of
~~Such~~ Alterations, Additions and Improvements ~~as~~
particularly as shall be proper in order to
~~all be thought~~ necessary or ~~convenient for the Legis~~
and Spirit
~~[illegible]~~ accommodate the System of Legislation to the Principles of
~~[illegible]~~ ought to be made and prepared for the Con
present Constitution
deration of the Legislature and the People at large.

Power should be given to employ Assistance.

ms of Money, not exceeding £ in any one Year
ould, upon the Warrants of the Speakers of the two Houses,
from Time to Time
either of them, be advanced to the Person appointed in
Law, he to be accountable to the State for the same

He shall receive, from the ~~Legislature~~ State, an
quate Compensation for his Services. — The Copy-
ght of the Code and Commentary shall be his; and also
of those Draughts of Laws that shall be printed along with
Code and Commentary. The Law to continue Years

It is obviously a great and arduous Underta
but if it ~~can~~ shall be executed well, its Usefulness can s
ly be over-rated. It will deserve the Acceptan
the Legislature of Pennsylvania.

Mr. Evans — Pro

2. Bac. 307. Copy given in Evid. Mod. 4. Sal. 287. 6. Mod. 225
250. 3. Bl. 368 — attested Copy or parol Evid. — Reid v. 3. Ter
Rep. 151. — Cotty and Nesbit. Tr. Term. 24. Geo. 3. — The Circum
should be set forth.

In England we would have Relief in Chancery — her
have no such Courts

10th Jany. 1791

Profert

Mr. E. Thomas — Pro. — 1. Upon Principles of Justice

he Reason of a profert.

2. Str. 1186. — the Profert was *offered*

Lev. 225. 3. Cro. *209*. — Rise of Equity.

3. Bl. 434.

Penn.ª Equity and Law are united.

Mr. Gibson — Cont.

Jurisdiction of the Courts as to Proferts
would be transferred to the Jury.

aw, in some Cases, are and must be general
and inflexible — example Contract Creditors.

England, the Exclusion of Relief at Law, is
the Foundation of Equity —

Mr. Evans — Pro.

articular Circumstances of the Case should
stated of in the Declaration.

Juris —

In another Court — Lex non cogit ad impossibilia

Jury must ascertain the Existence of a Bond.

Existence even of a Patent, shall sometimes be pleaded.

Shall a farther Security destroy a *former* one.

2. At Law — in Eng. in Penn.ª a Remedy for every Injury. 3. Bl. 23.

1. What Right. 2. What Court — 3. In what Action

8. H. 6. Br. Abr. Tit. Monstr. Fait. and Oyer

10. Co. 92. a. b. 5. Co. 74. b. — in another Court, or in Possn. of the other Party.

2. Cro. 82. Mod. 266.

2 Str. 1186 — Pff *bound* to make Profert.

Vez. 393.

Wherever there is a Right, there is a corresponding *Obligation*.

Stat. of Lim. Actions — Infancy.

In a Case similar to this, Evid. of the Contents would be sufficient before the Jury.

Proferts extend not to commercial Transaction.

Mr Dickinson – Cont

Mod. 266. Vez. — Chancery relieves only in Cases where th
is no Relief at Law.

Gilb. Ev. 97. Wils. 16. — The Inconveniences of dispensing
Proferts.

Str. 1186 — A current of Authority will not be diverted
an Instance to the contrary

Mr Cantwell Jones

10. Co. 92 given in Evid.
Gilb. Ev. 95.
Vez. 388. Equity will decree Payment.
A fact in Pennsylvania
Vez. 393.

A Bond turpi causa void — th
the Demand evinced by the
is the principal Object.

Def. may prove Payment as
of the Profert was made. —
the Contents is Proof of every
necessary

RBD
LC 14:103
v.3

amer 00040

Montgomery 69 g

69-4185

Januar N° 1